

ESTTA Tracking number: **ESTTA1181086**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
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Date	12/27/2021
Attachments	Motion on Consent to Reschedule Oral Hearing.pdf(530011 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO d.b.a.
CUBATABACO,

Petitioner,

v.

GENERAL CIGAR CO., INC.,

Cancellation No. 92025859

Respondent.

MOTION ON CONSENT TO RESCHEDULE ORAL HEARING

Pursuant to TBMP § 802.03(a), Petitioner Empresa Cubana del Tabaco d.b.a. Cubatabaco (“Cubatabaco”) hereby moves, on consent by Respondent General Cigar Co., Inc. (“General Cigar”), to reschedule the oral hearing in this proceeding that is currently scheduled for January 25, 2022 at 1:00 PM (EST).

1. On October 27, 2021, Respondent General Cigar requested, without opposition by Petitioner Cubatabaco, that an oral hearing be held in the above-captioned proceeding. General Cigar proposed January 25, 2022, January 27, 2022, February 1, 2022, or February 3, 2022 as the proposed dates for the oral hearing, to which dates Cubatabaco agreed. 372 TTABVue.

2. On December 17, 2021, the Board scheduled the oral hearing for January 25, 2022 at 1:00PM (EST) but noted that either party could reschedule the oral hearing “with the consent of all parties” by “fil[ing] through ESTTA a written stipulation or consented motion confirming the parties’ agreement to reschedule, and the proposed three new [agreed-upon, non-consecutive] dates and times” that are between six and fourteen weeks from the date of the Board’s order. 375 TTABVUE 2.

3. Petitioner Cubatabaco, with the consent of Respondent General Cigar, requests that the hearing currently set for January 25, 2022, be rescheduled. The parties jointly propose the following as the new date for the oral hearing: February 1, 2022, February 3, 2022 or February 9, or, alternatively, any date in the February 8-10 and 15-17 ranges. These dates are between six and fourteen weeks from the Board’s December 17, 2021 order.

4. The reason for Petitioner Cubatabaco’s request to reschedule the January 25, 2022 hearing date is that a federal court has set a deadline in a multi-party, complex action that would make it extremely difficult for the undersigned, who is lead counsel for a party in that action and also lead counsel here, to prepare adequately for a hearing on January 25, 2022 in this proceeding.

5. This is the first request to reschedule the oral hearing made by either party.

6. As counsel for Respondent General Cigar is located in Los Angeles, California and the Board is currently holding hearings through remote videoconference, the parties jointly request that the hearing commence on or after noon EST on any of the proposed dates.

WHEREFORE, a reasonable basis having been shown, Petitioner Cubatabaco

respectfully requests that this Motion on Consent to Reschedule Oral Hearing be granted.

Dated: December 27, 2021

/s/ Michael R. Krinsky

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CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused to be served a true and correct copy of the foregoing **MOTION ON CONSENT TO RESCHEDULE ORAL HEARING** by transmitting copies by email to Respondent's counsel:

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Date: December 27, 2021

/s/ Lindsey Frank

Lindsey Frank
Attorney for Petitioner